

REGULAR MEETING
AGENDA

Wednesday, May 20, 2009 7:45 P.M.
Public Meeting Room 206
Darien Town Hall, 2 Renshaw Road
Darien, Connecticut

Due to necessary scheduling of ZBA members, the following items may be considered out of sequence and application requests may be heard and then deliberated one by one rather than all the deliberations occurring at the end of the meeting.

CONTINUATION OF PUBLIC HEARINGS

CALENDAR NO. 18-2009

Opened on April 22, 2009 and continued to tonight, May 20, 2009. The previously seated ZBA members for this request Vic Capellupo, Al Tibbetts, Gary Greene, Ruth Anne Ramsey, and John Ashburne. This hearing must be completed by May 27, 2009 (within 35 days after its April 22nd opening). However, the next scheduled regular ZBA meeting is June 17, 2009. Therefore, if the ZBA determines to continue this hearing further, a special meeting must be scheduled by May 27th when all of the seated members can attend. Or the applicant may provide up to a 65 day extension allowing the ZBA to continue this hearing at a later date.

The application of Thomas G. Carruthers filed on March 25, 2009 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a one story covered porch addition; Section 406: 25.4 in lieu of 30.0 feet minimum required front yard setback and 50.4 in lieu of 55.0 minimum front yard setback as measured from the centerline of Intervale Road. The property is situated on

the south side of Intervale Road approximately 200 feet west of the intersection of Intervale Road and Forest Road and is shown on Assessor's Map #24 as Lot #122, being 34 Intervale Road and located in an R-1/3 (residential) Zone.

CALENDAR NO. 19-2009

Opened on April 29, 2009 and continued to tonight, May 20, 2009. The previously seated ZBA members for this request are Vic Capellupo, Al Tibbetts, Chuck Deluca, Jeff Williams, John Ashburne, and Polly Davis. Gary Greene has familiarized himself with the submitted materials, listened to a recording of the April 29th hearing segment and will now replace Chuck Deluca for this application. This hearing must be completed by June 3, 2009 (within 35 days after its April 29th opening). However, the next scheduled regular ZBA meeting is June 17, 2009. Therefore, if the ZBA determines to continue this hearing further, a special meeting must be scheduled by June 3rd when at least 5 of the seated members can attend. Or the applicant may provide up to a 65 day extension allowing the ZBA to continue this hearing to a later date.

The application of Robert F. Maslan, Jr., Esq. on behalf of C. B. Griffith, LLC and Post Road Eleven, LLC filed on March 25, 2009 for variances of Sections 662, 226, 334, 666, 904, 906.6, 940 and 944 of the Darien Zoning Regulations, to allow the construction of a two story retail, commercial sales and services and/or business and professional office building with a transformer/generator, storage area, garbage enclosure, and HVAC equipment; Section 662: possible commercial sales and services use with limited generally required external storage or activity which is a normal part of the operation of the use; possible business and professional office use where none is permitted; Section 226: 40.0 in lieu of 44.0 feet minimum required parking space and aisle depth; **allowing a portion of one additional parking space and a portion of the required backup space for another to be on adjacent State property;** Section 334: construction on a portion of the lot with less than 100.0 feet minimum required lot depth; Section 666: 0.0 in lieu of 65.0 feet minimum required parking setback in front of the building; 1.5 in lieu of 0.0 or 4.0 feet minimum required side yard setback for the transformer/generator and storage area; 7.0 in lieu of 25.0 feet minimum required rear yard setback for the transformer/generator and storage area; 3.0 and in lieu of 25.0 feet minimum required rear yard setback for the garbage enclosure; 21.4 and 19.8 in lieu of 30.0 feet minimum required front yard setback for the building and eave; 3.0 in lieu of 0.0 or 4.0 minimum required side yard setback for the building and eave; **3.0 and 1.5 in lieu of 25.0 minimum required rear yard setback for the building and eave;** 37.4 in lieu of 20.0% maximum allowable building coverage; 85.0 in lieu of 80.0% maximum allowable developed site area; 0.0 and -2.5 in lieu of 6.0 feet minimum required front

landscape depth; Section 904: 7 in lieu of 30 minimum required parking spaces; Section 906.6: 0.0 and -2.5 in lieu of 6.0 feet minimum required front parking setback; 14.0 in lieu of 25.0 feet minimum required rear parking setback; Sections 666 and 940: 0.0 and -2.5 in lieu of 10.0 feet minimum required front landscape area; and Sections 667 and 944: 0.0 in lieu of 25.0 feet minimum required rear yard landscape buffer abutting the adjacent residential zone lots. The property is situated on the southeast side of Boston Post Road approximately 0 feet west of the intersection of Boston Post Road and the I-95 northbound Exit 11 entrance ramp and is shown on Assessor's Map #63 as Lot #1, being 1292 Boston Post Road and located in an SB (commercial) Zone.

PUBLIC HEARINGS

CALENDAR NO. 12-2009

The application of Christian Browning filed on March 25, 2009 for variances of Sections 210 and 406 of the Darien Zoning Regulations, to allow the construction of additional basement living space; Section 210: 58.1 in lieu of 50.0 percent maximum allowable basement living space floor area compared to the first floor living space area; and Section 406: 2.581 in lieu of 2.5 maximum allowable stories.

The property is situated on the west side of Greenwood Avenue approximately 500 feet north of the intersection of Greenwood Avenue and Camp Avenue and is shown on Assessor's Map #8 as Lot #146, being 17 Greenwood Avenue and located in an R-1/3 (residential) Zone.

CALENDAR NO. 20-2009

The application of Joseph R. Cugno Architect on behalf of Stephen & Christine Alliegro filed on April 22, 2009 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of one story, second story, and two and one half story additions and the installation of HVAC equipment; Section 406: 11.8 in lieu of 17.1 feet minimum required side yard setback relative to the north property line, 11.3 in lieu of 21.0 feet minimum required side yard setback relative to the south property line, and 23.1 in lieu of 25.0 feet minimum required total of two side yards setback for the additions; and 12.0 in lieu of 17.1 feet minimum required side yard setback relative to the north property line for the HVAC equipment. The property is situated on the west side of Hillcrest Avenue approximately 150 feet south of the intersection of Christie Hill Road and Hillcrest Avenue and is shown on Assessor's Map #27 as Lot #40, being 6 Hillcrest Avenue and located in an R-1/3 (residential) Zone.

CALENDAR NO. 21-2009

POSTPONED TO JUNE 17th

The application of Douglas C. & Lynne Curtis filed on April 22, 2009 for amendments to the approved plans of Calendar #48-2006; to allow the existing conditions as cited in the Zoning Enforcement Officer's letter of February 27, 2009 to remain as is or to be modified in order to obtain a Certificate of Zoning Compliance. These include to allow the front parking and garage backup area, with adjacent retaining walls and related site features to remain as is; to allow copper flashing and gambrel shaped dormers to remain as is; and to allow the installation of a propane tank and HVAC condenser equipment within a vertical shaft. The property is situated on the east side of Clocks Lane at the northeast corner formed by the intersection of Clocks Lane and Wild Rose Lane and is shown on Assessor's Map #64 as Lot #62, being 10 Clocks Lane and located in an R-1 (residential) Zone.

CALENDAR NO. 22-2009

The application of Thomas Carruthers filed on April 22, 2009 for an amendment to the approved plans and an amendment to Stipulation #1 of Calendar #28-2008; to allow the existing detached garage to remain and to delete the required north property line fencing and/or evergreen screening. The property is situated on the east side of Thomasina Lane approximately 500 feet northwest of the intersection of Thomasina Lane and Dubois Street and is shown on Assessor's Map #45 as Lot #65, being 18 Thomasina Lane and located in an R-1/3 (residential) Zone.

OTHER BUSINESS

This portion of the meeting is not a Public Hearing. Applicants and other interested parties are welcome to quietly observe the ZBA and staff fulfilling their regulatory responsibilities for the overall benefit of the community. Any expression from the audience is inappropriate and constitutes grounds for tabling the matter referred to or denying it without prejudice.

1. Discussion, deliberation and possible decisions for Public Hearing request items listed above. 4 affirmative votes out of the 5 seated ZBA members are required to approve a proposal.
2. Requested twelve month extension, to obtain all required permits and begin on-site construction for ZBA Calendar No. 59-2008, Andrew &

Claire Hunter, 253 Hollow Tree Ridge Road. The Public Hearing of this matter was December 17, 2008. Initial ZBA approval expires on June 30, 2009.

3. Review of April 15, 2009 Joint Meeting discussions with the Architectural Review Board and possible recommendations for sign regulation changes or procedural adjustments.
4. Approval of Minutes of meeting on April 29, 2009. ZBA members attending this meeting were Vic Capellupo, Chuck Deluca, Al Tibbetts, Jeff Williams, Polly Davis, and John Ashburne.
5. Approval of Minutes and Resolutions of the following public hearing application decisions made on March 18, 2009. Seated ZBA members for these decisions were Vic Capellupo, Chuck Deluca, Ruth Anne Ramsey, John Ashburne, and Polly Davis.

Calendar #3-2009 Trautmann, 4 Laurel Lane
 Calendar #4-2009 Baywater Post Road Associates II, LLC, 1020 Boston
 Post Road

6. Approval of Minutes and Resolutions of the following public hearing application decisions made on March 25, 2009. Seated ZBA members for these decisions were Vic Capellupo, Gary Greene, Al Tibbetts, Jeff Williams, John Ashburne, and Polly Davis.

Calendar #5-2009	Nassau Mansfield Avenue LLC, 49 Mansfield Avenue
Calendar #6-2009	Lovegrove, 320 West Avenue
Calendar #7-2009	Tam, 11 Half Mile Road
Calendar #8-2009	Normandy Darien Holdings LLC, 320-330 Boston Post Rd.
Calendar #9-2009	Russell, 10 Libby Lane
Calendar #10-2009	Johnston, 27 Beach Drive

7. General discussion of Application Materials, hearing guidelines, hardship criteria, decision practices/ guidelines, project fit relative to neighbor properties, supervision/ inspection of construction projects, and/ or requested changes.
8. Any other business (a minimum 2/3, 67%, i.e. 3/4, 4/5, or 4/6, favorable vote of members present and voting is required to add an item to the agenda).